

**BOARD OF ASSESSMENT APPEALS,  
STATE OF COLORADO**  
1313 Sherman Street, Room 315  
Denver, Colorado 80203

**Docket No.: 66032**

Petitioner:

**RICHARD J. AND JUDITH A. STUCHELL,**

v.

Respondent:

**ARAPAHOE COUNTY BOARD OF  
EQUALIZATION.**

## **ORDER**

**THIS MATTER** was heard by the Board of Assessment Appeals on April 4, 2016, Diane M. DeVries and MaryKay Kelley presiding. Richard J. Stuchell appeared *pro se* on behalf of Petitioners. Respondent was represented by Benjamin Swartzendrber, Esq. Petitioners are protesting the 2015 actual value of the subject property.

Subject property is described as follows:

**6721 S. Kit Carson Circle West, Centennial, Colorado  
Arapahoe County Schedule No. 2077-26-2-07-069**

The subject is a 1,144 square-foot ranch with basement and garage. It was built in 1963 on a residential lot in the SouthGlenn Subdivision.

Respondent assigned an actual value of \$279,900 for tax year 2015 but is recommending a reduction to \$245,000 based on appraisal. Petitioners are requesting a value of \$185,500.

Petitioner, Mr. Stuchell, described a very dated property and presented an extensive repair and/or replacement list; his estimate for cost to cure was secured from the web and from friends. Totalling \$132,300, the repairs included roofing, gutters and downspouts, furnace and water heater, landscaping (trimming, new sprinkler system, rock wall repair, fence, patio repair), sewer line, kitchen and bathroom, doors and windows, garage door, exterior and interior paint, additional insulation, flooring (hardwood and carpet), and window coverings.

Mr. Stuchell discussed traffic noise from nearby Arapahoe Road, describing his home's location as three lots from this heavy traffic street. He estimated the impact on value to be \$15,000.

Mr. Stuchell subtracted the above-described total of \$147,300 from the assigned value of \$279,900 but considered that the resulting \$132,600 did not fully reflect the market. He estimated market value to be \$185,500 and is requesting this value.

Respondent presented an indicated value of \$245,000 based on the Market Approach. Respondent's witness, Stephen T. Bonner, Certified General Appraiser for the Arapahoe County Assessor's Office, presented four comparable sales ranging in sale price from \$220,000 to \$335,000. He testified that all were the same size and age and were located within the subject subdivision. Three of the four were updated and/or remodeled.

After adjustments for concessions, time, updating/remodeling, condition, basement finish, garage bays, air conditioning, porches/patios/decks, storage sheds, and street appeal (landscaping), Mr. Bonner presented adjusted values ranging from \$240,258 to \$272,462. He put greatest weight on Sale Three, which, like the subject, had not been updated or remodeled. It carried few adjustments and resulted in an adjusted sale price of \$245,188. Mr. Bonner relied on this sale in requesting an actual value of \$245,000.

Mr. Bonner considered Petitioners' cost to cure inaccurate, most of the estimates high, and noted that none were secured from professionals.

Mr. Bonner did not hear traffic noise at time of inspection and declined adjustments for his comparable sales, which sat at greater distances.

Both state constitution and statutes require use of the market approach to value residential property. "The actual value of residential real property shall be determined solely by consideration of the market approach to appraisal." Section 39-1-103(5)(a), C.R.S. While the Board recognizes that the subject property is dated, market reaction rather than cost to cure should be considered in valuing the subject. Respondent's witness addresses the "dated" property in his "valuation grade" line item adjustments, and he addresses "condition" in his "year built/effective year" line item adjustments.

The Board finds that Respondent's market analysis is the best indicator of value; Petitioners did not present any comparable sales to dispute or point out errors in Respondent's market analysis.

The Board is convinced that traffic noise is likely to negatively impact value. Without data reflecting the amount of impact, the Board finds that conclusion at the lower end of Respondent's adjusted value range is reasonable. A value conclusion of \$240,000 is deemed appropriate.

The Board concluded that the 2015 actual value of the subject property should be reduced to \$240,000.

**ORDER:**

Respondent is ordered to reduce the 2015 actual value of the subject property to \$240,000.

The Arapahoe County Assessor is directed to change their records accordingly.

**APPEAL:**

If the decision of the Board is against Petitioner, Petitioner may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of Section 24-4-106(11), C.R.S. (commenced by the filing of a notice of appeal with the Court of Appeals within forty-nine days after the date of the service of the final order entered).

If the decision of the Board is against Respondent, Respondent, upon the recommendation of the Board that it either is a matter of statewide concern or has resulted in a significant decrease in the total valuation of the respondent county, may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of Section 24-4-106(11), C.R.S. (commenced by the filing of a notice of appeal with the Court of Appeals within forty-nine days after the date of the service of the final order entered).

In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation of the respondent county, Respondent may petition the Court of Appeals for judicial review of such questions within thirty days of such decision.

Section 39-8-108(2), C.R.S.

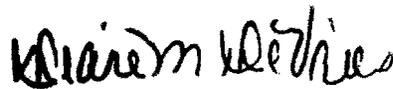
**DATED and MAILED** this 13th day of April, 2016.



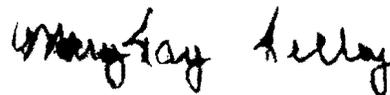
I hereby certify that this is a true and correct copy of the decision of the Board of Assessment Appeals.

  
Milla Lishchuk

**BOARD OF ASSESSMENT APPEALS**



Diane M. DeVries



MaryKay Kelley